

Regular Session, 2010

SENATE BILL NO. 750

BY SENATOR MURRAY

COURTS. Provides relative to the Orleans Parish Civil District Court. (gov sig)

AN ACT

To amend and reenact R.S. 13:3105(A) and to enact R.S. 13:996.67, relative to courts and judicial procedure; to provide for the Civil District Court for the parish of Orleans; to authorize the Civil District Court for the parish of Orleans and the clerk of court of the Civil District Court for the parish of Orleans to impose additional costs of court and service charges in certain civil matters under certain circumstances; to provide for the collection of such costs and charges; to establish a judicial building fund; to provide for the dedication and disbursement of such funds; to provide procedures and conditions; to provide for the compensation of jurors in civil cases triable by a jury in the Civil District Court for the parish of Orleans; to increase such compensation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:3105(A) is hereby amended and reenacted and R.S. 13:996.67 is hereby enacted to read as follows:

§996.67. Judicial building fund

A. Subject to the approval of the Judicial Council of the Louisiana Supreme Court, the Civil District Court for the parish of Orleans and the clerk

of court of the Civil District Court for the parish of Orleans are hereby authorized to impose the following additional costs of court and service charges provided for in Subsection B of this Section in all cases over which the court has jurisdiction, until the bonded indebtedness provided for in Subsection C of this Section is paid. The costs and charges provided in Subsection B of this Section shall not apply to cases involving juvenile and family matters. The costs and charges may be any amount up to and including the maximum amount set forth and shall be imposed on order of the judges en banc. Such costs and charges shall be paid to the clerk of court when the filing is made.

B.(1) Until such time that public bids are let for the construction project, the amounts of the costs and charges which may be imposed shall be as provided in this Paragraph.

<u>Service Provided</u>	<u>Amount of Cost Authorized</u>
<u>(a) Recordings</u>	<u>Up to thirty dollars per recordation</u>
<u>(b) Civil Filings</u>	<u>Up to twenty-five dollars per civil filing</u>
<u>(c) Jury Trials</u>	<u>Up to one hundred dollars per jury requested</u>
<u>(d) Class Actions</u>	<u>Up to one thousand twenty-five dollars per class certified</u>

(2) After public bids are let for the construction project the amounts of costs and charges which may be imposed shall be as provided in this Paragraph.

<u>Service Provided</u>	<u>Amount of Cost Authorized</u>
<u>(a) Recordings</u>	<u>Up to thirty dollars per recordation</u>
<u>(b) Civil Filings</u>	<u>Up to two hundred dollars per civil filing</u>
<u>(c) Jury Trials</u>	<u>Up to two hundred dollars per jury requested</u>
<u>(d) Class Actions</u>	<u>Up to two thousand fifty dollars per class certified</u>
<u>(e) All matters filed</u>	<u>Up to ten dollars per item filed into civil</u>

suit record

(3) The matters filed into a civil record upon which the costs provided for in Subparagraph (2)(e) of this Subsection shall be imposed shall include but not be limited to petitions, motions, orders, judgments, citations, rules, evidence, correspondence, affidavits, dismissals, depositions, writs, appeals, answers, subpoenas, and jury matters.

C.(1) Solely for the purposes of this Section, there is hereby created the Civil District Court for the parish of Orleans Judicial District Court Building Commission for purposes of the construction and funding of the courthouse, which shall be deemed to be a public commission. The judges, en banc, of the Civil District Court for the parish of Orleans shall serve as the board of commissioners thereof. The commission shall be a public corporation with power to contract, administer the proceeds of the costs and charges authorized in this Section, lease, sublease, and otherwise provide for the construction, equipping, maintenance, and operation of a new courthouse for the Civil District Court for the parish of Orleans and to pledge and dedicate the receipts of the courthouse construction fund created hereby for the payment of any lease or sublease obligation, loan agreement, or other financing agreement relative thereto.

(2) The commission shall elect a chairman and vice chairman. The judicial administrator for the Civil District Court for the parish of Orleans shall serve as secretary-treasurer for the commission.

(3) Notwithstanding any other law to the contrary, issues regarding ownership and liability for maintenance and operation expenses of the new courthouse shall be provided for between the commission and Orleans Parish in a lease or sublease of the courthouse to the commission or by a cooperative endeavor agreement prior to the awarding of the contract for construction of the new courthouse.

(4) The monies generated pursuant to this Section shall be forwarded by

1 the clerk of court and sheriff to the fiscal agent bank chosen by the commission
2 to be held in the courthouse construction fund. Any funds currently on deposit
3 to the separate account of the judicial expense fund from the costs and charges
4 authorized by this Section shall be transferred at the discretion of the
5 commission to the courthouse construction fund held by the commission's fiscal
6 agent. These monies deposited to the courthouse construction fund shall be
7 dedicated to the design, planning, feasibility, acquisition, construction,
8 equipping, operating, and maintaining a new facility to house the Civil District
9 Court for the parish of Orleans, the offices of the clerk of court for Civil District
10 Court for the parish of Orleans, the First City Court, the clerk of the First City
11 Court, the constable of the First City Court, the office of the civil sheriff, the
12 Orleans Parish Juvenile Court, the mortgage office, the conveyance office, the
13 notarial archives, and such other courts and parochial offices as may be
14 necessary. No monies generated pursuant to this Section shall be used for
15 payment of any bonded indebtedness involving site acquisition or construction
16 of a new facility unless approved by the Joint Legislative Committee on the
17 Budget and the State Bond Commission.

18 (5) For the purposes of this Section, "equipping" shall include but not
19 be limited to expenditures for the purchase and maintenance of computer
20 software and hardware for the agencies housed in the judicial facility.

21 (6) Notwithstanding any other provision of law to the contrary, the
22 commission may pledge and dedicate the receipts of the courthouse construction
23 fund for the payment of any obligation, loan agreement, or other financing
24 agreement in connection with the issuance of bonds or other evidence of
25 indebtedness for the commission by the Louisiana Public Facilities Authority
26 or the Louisiana Local Government Environmental Facilities and Community
27 Development Authority.

28 D. If public bids are not let for the construction of a new facility as
29 provided in this Section by August 15, 2014, then the authority provided in this

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Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

The original instrument was prepared by Camille Sebastien Perry. The following digest, which does not constitute a part of the legislative instrument, was prepared by Sherry Breaux.

DIGEST

Murray (SB 750)

Proposed law provides that, subject to the approval of the Judicial Council of the Louisiana Supreme Court, the Civil District Court for the parish of Orleans and the clerk of court of the Civil District Court for the parish of Orleans are authorized to impose additional costs in all cases in which the court has jurisdiction, and further provides that such monies shall be designated to the development, construction, and operation of a new facility to house the Civil District Court for the parish of Orleans, the office of the clerk of court for Civil District Court for the parish of Orleans, the First City Court, the clerk of the First City Court, the constable of the First City Court, the office of the civil sheriff, the Orleans Parish Juvenile Court, the mortgage office, the conveyance office, the notarial archives, and such other courts and parochial offices as may be necessary.

Proposed law creates the Civil District Court for the parish of Orleans Judicial District Court Building Commission and allows the judges, en banc, of the Civil District Court of the parish of Orleans to serve as the board of commissioners.

Proposed law provides that the commission shall be a public corporation with power to contract, administer the proceeds of the costs and charges, lease, sublease, and otherwise provide for the construction, equipping, maintenance, and operation of a new courthouse for the Civil District Court for the parish of Orleans and to pledge and dedicate the receipts of the courthouse construction fund created hereby for the payment of any lease or sublease obligation, loan agreement, or other financing agreement relative thereto.

Proposed law provides that issues regarding ownership and liability for maintenance and operation expenses of the new courthouse shall be provided for between the commission and Orleans Parish in a lease or sublease of the courthouse to the commission or by a cooperative endeavor agreement prior to the awarding of the contract for construction of the new courthouse.

Proposed law provides that no monies generated shall be used for payment of any bonded indebtedness involving site acquisition or construction of a new facility unless approved by the Joint Legislative Committee on the Budget and the State Bond Commission.

Proposed law authorizes the commission to pledge and dedicate the receipts of the courthouse construction fund for the payment of any obligation, loan agreement, or other financing agreement in connection with the issuance of bonds or other evidence of indebtedness for the commission by the Louisiana Public Facilities Authority or the Louisiana Local Government Environmental Facilities and Community Development Authority.

Present law (R.S. 13:3105(A)) provides that jurors in the trial of civil cases in the Civil District Court for the parish of Orleans shall be entitled to compensation of sixteen dollars each for each and every day, or part of a day, on which they serve as jurors in any civil case, and prior to the commencement of the trial, the party praying for the jury shall deposit in the registry of the court the sum of one hundred ninety two dollars for each day the court estimates the trial will last.

Proposed law increases the compensation paid to jurors from sixteen dollars to twenty-five dollars and increases the amount required to be paid in the registry of the court from one hundred ninety two dollars to three hundred dollars for each day the court estimates the trial will last.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 13:3105(A); adds R.S. 13:996.67)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill.

1. Provides for Judicial Council approval.

Senate Floor Amendments to engrossed bill.

1. Makes technical changes.